THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:07-03--2006

WRIT PETITION No. 4414 OF 2006

BETWEEN:

Merni Venkatalakshmi.

…Petitioner

And

District Panchayat Officer, West Godavari at Eluru.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the action of the first respondent in issuing the impugned notice Ref.No.7760/05-A5 (Pan), dated 27-2-2006 basing on the report of the second respondent as illegal, arbitrary and violative of the principles of natural justice.

It is stated that the petitioner was elected as Sarpanch of Saggonda Gram Panchayat. The second respondent submitted a report dated 18-12-2004 to the first respondent alleging that an amount of Rs.2,00,000/- was sanctioned for deepening and

development of Rajaka Tank, but only an amount of Rs.25,000/- was spent and an amount of Rs.1,75,000/- has not been spent. Similarly for the purpose of laying roads, an amount of Rs.90,765/- was sanctioned, but only an amount of Rs.58,215/- was spent, leaving the balance of Rs.32,550/- and the Sarpanch is responsible for drawing the said amount. Based on the said report, the first respondent issued the impugned order dated 27-2-2006 in reference No.7760/05-A5/Pan, directing the petitioner to refund the excess amount drawn by him.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

Admittedly, the said impugned order has been passed without issuing any notice and without conducting any enquiry and without giving reasonable opportunity to the petitioner. The so-called report submitted by the second respondent is unilateral. If really, the said works have not been executed, it is not known why appropriate action has not been taken against the concerned Assistant Engineer or the Executive Engineer, who have checked and counter checked the said works. The impugned order was passed in utter violation of the principles of natural justice.

Accordingly, the writ petition is allowed. However, the respondents are at liberty to issue a show cause notice giving reasonable opportunity to the petitioner and take appropriate action in accordance with law. No order as to costs.

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V.ESWARAIAH, J

Date: 7-03-2006.

Note:-

Issue C.C. in two days.

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Shr.